

REMARKS

Summary of the Office Action

Claims 2-47 are pending in this application. Claims 11-20 and 30-38 have been withdrawn from consideration as being drawn to a non-elected invention.

Claims 2, 8-10, 21, 27-29, and 39-47 have been rejected as being unpatentable over U.S. Patent No. 5,815,657 to Williams et al. ("Williams") in view of U.S. Patent No. 5,287,269 to Dorrough et al. ("Dorrough").

Claims 4 and 23 have been rejected as being unpatentable over Williams in view of Dorrough and further in view of "Ambalink Universal News Services Limited," Universal News Services, PR Newswire, London, June 8, 1999 ("Ambalink").

Claims 5-7 and 24-26 have been rejected as unpatentable over Williams in view of Dorrough and further in view of U.S. Patent No. 6,449,601 to Friedland et al. ("Friedland").

Applicant's Response

Applicant respectfully submits that none of Williams, Dorrough, Ambalink, and Friedland, either alone or in combination, teaches or suggests all of the features of applicant's claimed invention.

Williams discloses an electronic monetary system that emulates a wallet or purse containing several payment instruments that may be selected by a user when making electronic commerce purchases. Each payment instrument in the wallet is issued by a financial institution and is controlled by issuance of a certificate by the financial institution. See, e.g., col. 11, lines 5-15 and 31-52 and FIGS. 1B and 2.

FIGS. 10-12 describe a preferred embodiment of a Payment Instrument and Authorization sequence in Williams, wherein bitmap images of the user's credit cards are used to complete transactions. As described at col. 21, lines 32-34, the images "[are] virtually identical to the user's actual card[s], so such information as payment instrument holder's name, instrument name, membership period and expiration date" are displayed.

When a user of Williams uses a given payment instrument to pay for a product on a vendor's web site, a certificate associated with the payment instrument is transmitted from the user's computer to the vendor's web site. See, e.g., col. 13, line 35 to col. 14, line 23 and col. 36, lines 44-49. After a payment has been processed, Williams performs no further action.

Dorrough discloses an access control system and method for accessing events, areas, and activities. The control system requires an access card, which is used in conjunction with various access stations. An access station is associated with each activity and reads an access card to open a customer account file. Each access station generates a debt signal corresponding to a selected cost for respective activities. An approval or disapproval is generated depending on a customer account credit. The access station receives the approval or disapproval signal from a comptroller processor. The access station then grants or denies a customer's access to the activity. See, e.g., columns 3-5, and FIGS. 1-5.

Regarding independent claims 2, 21, and 39, Applicant respectfully submits that Williams and Dorrough, when properly combined, do not result in Applicant's claimed invention. The Office Action alleges that "[I]t would have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the electronic tokens or electronic money of Williams et al with the system of Dorrough et al in order to allow clients to perform convenient cashless transactions as in websites." Office Action, page 4, lines 1-4. Applicant respectfully traverses.

As discussed above, Williams discloses an electronic monetary system that emulates a wallet or purse. Dorrough discloses an access control system that uses an access card to access an activity station. The access card provides information for payment for use of the activity station. Therefore, properly combining Williams and Dorrough results in a system in which a user requests access to an activity by sliding an access card through a card reader provided at an access station. The user is presented with an electronic version of that user's wallet or purse that contains the user's individual payment mechanisms, such as a debit card or credit cards. The user may then elect which form of payment to use to pay for participating in the activity. This combination does not result in Applicant's claimed invention.

Impermissible hindsight has been used to arrive at Applicant's claimed invention. The Examiner has selectively chosen features of Applicant's claimed invention from each of Williams and Dorrough and, without proper motivation and using impermissible hindsight obtained from Applicant's own specification, determined that it would have been obvious to combine Williams and Dorrough to arrive at Applicant's claimed invention.

Assuming arguendo that Williams and Dorrough may be properly combined to arrive at Applicant's claimed invention, independent claims 2, 21, and 39 each recite "**electronically delivering the purchase selection to the user**" (emphasis added). Neither Williams nor Dorrough even contemplate such a feature.

As discussed above, Williams is directed to an electronic monetary system. As also discussed above, Williams does not perform any other action after payment has been processed. A merchant, as disclosed in Williams, must deliver any purchase selection to the user. Williams does not electronically deliver a purchase selection to a user as claimed.

Dorrrough does not cure this deficiency. Dorrough also does not contemplate electronically delivering a purchase selection to a user. As discussed above, Dorrough is directed to granting or denying a user access to activities using access cards read at access stations. If a user is granted access to an activity, the user is permitted to engage in the activity, such as, for example, play a video game or enter a restricted area to participate in an activity. The video game or other activity is not electronically delivered to the user as claimed.

Therefore, neither Williams nor Dorrough disclose such a feature. In fact, the Office Action does not even address this feature. Nowhere in the rejection of independent claims 2, 21, and 39 does the Office Action acknowledge the recitation of this limitation or identify any portion(s) of either Williams or Dorrough that disclose such a feature.

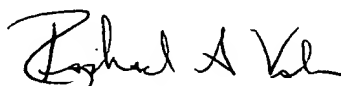
Neither Freidland nor Ambalink cures the deficiencies of Williams and Dorrough. Furthermore, Applicant respectfully submits that Ambalink may not be used as a reference because it is non-enabling. Ambalink does not teach one of ordinary skill in the art how to make and use the system. Ambalink merely provides an overall description of how the system operates. It does not teach one of ordinary skill in the art how to construct a system that operates in the manner described.

Applicant respectfully submits that independent claims 2, 21, and 39 patentably distinguish over the prior art, and thus dependent claims 3-10, 22-29, and 40-47 also patentably distinguish over the prior art for at least the same reasons.

CONCLUSION

In view of the foregoing, applicant respectfully submits that the application is in condition for allowance. An early and favorable action is earnestly requested.

Respectfully submitted,



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